

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

PHILIP J. TOMASHEK, II

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01904

RALEIGH COUNTY EMERGENCY
OPERATING CENTER, et al.,

Defendants.

ORDER

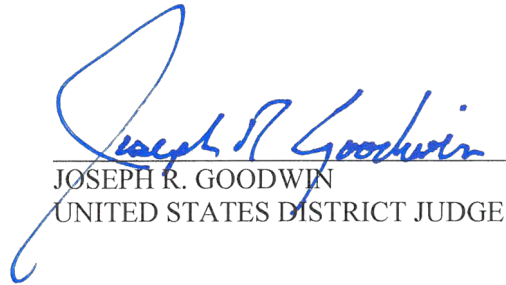
A review of the court's file indicates that the defendants David Farmer, Michael Francis, and John Doe Correctional Officers have failed to answer or otherwise defend this action in a timely manner. On January 22, 2017, the court granted in part and denied in part these defendants' motion to dismiss. Mem. Op. & order [ECF No. 63]. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), these defendants' answer to the Complaint was due two weeks later on February 5, 2018. To date, the defendants have failed to answer the Complaint. Accordingly, the court **DIRECTS** the Clerk to enter a default, pursuant to *Fed. R. Civ. P.* 55(a), against the defendants David Farmer, Michael Francis, and John Doe Correctional Officers.

The court further **ORDERS** counsel for the plaintiff to file the appropriate motion and affidavits, or to arrange for the necessary evidentiary hearing, to facilitate the entry of default judgment, pursuant to *Fed. R. Civ. P.* 55(b), within

twenty days of the entry of this Order. If the plaintiff fails to comply with the terms and conditions of this Order, the court will dismiss this action as to these defendants without prejudice for failure to prosecute.

The court **DIRECTS** the Clerk to send a certified copy of this Order to counsel of record and to the defendants.

ENTER: March 5, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE